

**THE COMMUNITIES FOR TELECOM RIGHTS' RECOMMENDATIONS AND
COMMENTS ON THE REPORT ON LANGUAGE ISSUES FOR CALIFORNIA
TELECOMMUNICATIONS CONSUMERS: BEFORE THE PUBLIC UTILITY
COMMISSION OF THE STATE OF CALIFORNIA**

INTRODUCTION

The Communities for Telecom Rights (CTR) respectfully submits the enclosed comments and recommendations to the California Public Utility Commission. Beginning in September 2003, a network of more than 60 grassroots community based organizations (CBOs) began to provide information about consumer rights to limited-English proficient consumers victimized by telecom fraud. Through an RFP process managed by the California Consumer Protection Foundation, CBOs were funded and trained to remedy illegal switching of phone providers, unauthorized charges and fees, telemarketing abuses, prepaid phone cards, false and misleading advertising, and problems involving cell phones.

As well as informing non-English and limited-English speaking customers about their rights and tracking their complaints, CTR grantees were trained to help the consumer resolve the complaint, by communicating with telephone companies and the CPUC. The ultimate goal of CTR is to educate and help vulnerable, low-income, and limited-English speaking customers make informed choices and learn how to resolve simple problems.

DISCUSSION:

CTR has been involved in the California Public Utility Commission (the Commission) activities on telecom issues; specifically on the Bill of Rights Decision (D.06-03-013) as well as with the Consumer Protection Initiative ("CPI"). In the past three years, CTR has developed a sense of the greatest demands of the LEP community. Accordingly, CTR is making three key recommendations to the Commission. Following CTR's key recommendations, CTR has specific comments on the Commission's Report on Language Issues for California Telecommunications Consumers.

I. CTR's FIRST KEY RECOMMENDATION: *CTR recommends that the Commission immediately require that carrier's provide an in language translation of key rates, and terms in the language the service was negotiated by the carrier representative.*¹

The CTR coalition is united in affirming the need for in-language disclosures as the most important issue that the Commission must address in response to the Consumer Protection Initiative. CTR is of the opinion that many of the over 2,000 complaints logged into its database could have been avoided if the consumer has received in-language disclosures at the point of sale². A formal rule promulgated through the CPUC public rulemaking process requiring in-language disclosures to LEP consumers is urgently needed to protect California consumers and restore competition to the marketplace for telecommunication services in LEP communities. LEP consumers do not have the tools they need to make informed choices in the telecommunications marketplace and there is no evidence the market will address this issue in the absence of a formal rule. In the absence of a formal rule, LEP consumers will continue to be lured by in-language marketing into a telecom marketplace hostile to informed consumer choice.

There is an urgent need for the CPUC to empower LEP consumers to make informed choices in California's telecommunications marketplace.

Currently in California, the following is true: (1) all of the major telecommunication carriers providing statewide wireless coverage market service agreements primarily through one and two-year written contracts; (2) all of the major telecom carriers market in languages other than English, directly and through third-party retailers, to LEP communities; and, (3) no major carriers consistently provide either written translations or in-language disclosures to LEP consumers who negotiate their contracts in languages other than English.

¹ CTR Proposed Plan Checker (attached in English, Spanish, Chinese and Vietnamese)

² The 2,074 complaints were logged into the database under categories such as "misrepresentation", "undisclosed fees", "unusual or high costs", etc. There can be little doubt that the number of persons lodging complaints represents a small fraction of the total limited English-speaking population victimized by unfair and deceptive sales practices.

It is unreasonable to expect the spontaneous emergence of a voluntary industry standard to satisfy the information needs of California's LEP consumers.

CTR has collected information on thousands of service agreements from LEP communities throughout the state **but has not recorded a single instance of a full translation of a telecom service contract delivered at the point of sale** to a LEP consumer who negotiated the contract in a language other than English.

No industry standard for dealing with widespread consumer fraud and predatory business practices in LEP communities currently exists. Further, there is no coalition of telecom service providers in California in a position to propose, monitor and enforce a voluntary industry standard for providing in-language disclosures. The telecom industry does not currently gather and share information regarding services and interactions with LEP consumers, and the CPUC itself has been unable to gather meaningful information on this matter from the industry. The current Draft Report states, approximately, only 100 of 1,300 telecommunications service providers responded to requests from the Commission for information on their services for and interactions with limited English-proficient consumers. (Draft Report at vii)

Current in-language outreach efforts by the telecom industry encourage consumer fraud and reduce competition by inviting LEP consumers into a marketplace hostile to informed consumer choice.

The essential rights of a telecom consumer are the terms of the written contract. LEP consumers who negotiate contracts in a language other than English cannot make informed choices in the telecommunications marketplace without a full translation of a contract or in-language disclosures of key terms and conditions delivered at the point of sale. No amount of in-language advertising or marketing outreach will empower consumers to make informed choices if consumers cannot understand the written service contract at the point of sale.

Consumers generally have a "duty to read" a contract before signing (E. Allen Farnsworth, Contracts (3rd ed. 1999) 4.26 at 297), and courts generally presume a consumer's signature on a contract implies informed consent. CTR's experience dealing with telecom carriers indicates carriers rely on the strict legal enforcement of service contracts and there has been no effort on the part of the industry to address the issue of in-language disclosures to LEP consumers.

The lack of in-language disclosures in the presence of in-language marketing is itself a market failure which much be addressed by a formal rule. In-language marketing, ubiquitous in LEP communities, lures consumers into the telecom marketplace where consumers are encouraged to rely on oral representations by commission-driven salespeople who are not directly responsible for consumer complaints. LEP consumer complaints are not tracked and shared by the telecom industry and so there is no market mechanism by which a market-based solution to this problem can evolve. The nearly universal industry standard of one- and two-year service contracts, the complexity of telecommunications services, and the difficulties LEP consumer have in addressing consumer complaints further exacerbate the present problem.

Public Utilities Code § 709 (h) guides the Commission to pursue, among other goals, the fair treatment of consumers in three parts:

To encourage fair treatment of consumers through provision of sufficient information for making informed choices, establishment of reasonable service quality standards, and establishment of processes for equitable resolution of billing and service problems.

The current Draft Report addresses the current state of telecommunications services to LEP consumers with regard to the latter two of these goals, establishment of reasonable service standards and the establishment of equitable problem resolution processes. The Draft Report, however, fails to address “fair treatment of consumers through provision of sufficient information for making informed choices.”

We urge the CPUC to empower LEP consumers to participate fairly in California’s telecommunications marketplace by requiring the full translation of telecommunication contracts or in-language disclosures of key terms and conditions to be delivered at the point of sale to consumers who negotiate a contract in a language other than English.

The PUC Should Look to California Civil Code §1632 as a Model for its Rule Making:

California Civil Code §1632 has been law in California for over thirty years. It requires in-language contract disclosures for financed auto sales and leases, leases of apartments and homes, unsecured loans, loans secured by goods, and mortgage loans negotiated by independent brokers. There is absolutely no evidence that any of these industries has suffered from the requirements that Cal. Civil Code §1632 imposes.

In-Language Disclosures Should Be Available in Five Languages (Other than English):

CTR would prefer that the telecommunications industry make in-language disclosures, regardless of the language of the negotiations, in the language the consumer is proficient in. However, in response to many carrier's concerns that that would result in an over burdensome and costly system, CTR offers the compromise provided in Cal. Civil Code §1632: as of 2003, in-language disclosures must be provided if the negotiations were conducted primarily in Spanish, Vietnamese, Korean, Chinese or Tagalog. Additionally, these are the five most common languages - other than English - spoken in California homes, according to the most recent Census data.

In-Language Disclosures at the Point of Sale Could Be Made in the Form of a Summary of Key Terms and Conditions:

Although CTR recommends the entire contract be provided in-language; it is aware that industry has objected to this proposal on a cost basis. A reasonable compromise would be a rule requiring an in-language summary of key terms and conditions if the contract was negotiated primarily in a covered language. The Commission could easily translate the form into the five covered languages, without unreasonable burden. This would mean any cost to industry for providing the disclosure would be limited to the cost of single piece of paper per customer! CTR respectfully submits that the benefit, the added protection to California's LEP consumers, greatly outweighs the cost of a sheet of paper.

Subsequent In-Language Disclosures Could Be Limited to Situations Involving Substantial Contract Changes:

Although CTR would like to see consumers who negotiate in a covered language receive bills in that language; CTR is aware of industry objections to in-language billing on a cost basis. Here, again, Cal. Civil Code §1632 provides a reasonable compromise. The statute specifically exempts “periodic statements” from the in-language disclosure requirement; however, it does require that “any subsequent document making substantial changes in the rights and obligations of the parties” be disclosed to the consumer in-language.

Consumers Should Be Given the Right to Cancel Any Contract Which Does Not Comply with the Proposed Rule:

California Civil Code §1632 is not draconian: it does not provide for damages (actual, punitive or otherwise), penalties or even attorneys fees. The sole enumerated remedy is rescission of the underlying contract. CTR urges the Commission to adopt the same remedy for telecommunications services to LEP consumers.

Conclusion:

It is CTR’s position that public utility carriers are systematically disadvantaging LEP consumers by not providing in-language disclosures.³ It is crucial that the Commission exercise its rule-making authority to protect California’s limited English-speaking population from false and deceptive sales practices. Requiring a one page in-language summary of key terms and conditions would have a number of salutary effects. It would: promote consumer awareness, deter fraud, and protect the interests of honest business persons who are already providing fair and accurate disclosures. The PUC should recognize that the benefits of such a rule would greatly outweigh the cost of a single sheet of paper.

³ At pg. 24 Draft Report “Public Utilities Code § 453 (b) prohibits public utilities (in this case, wireline carriers) to disadvantage customers on many basis, including national origin.”

II. CTR's SECOND KEY RECOMMENDATION: *CTR recommends that the Commission support extensive CBO involvement in its consumer education efforts.*

CTR's Response to the Commission's Current LEP Outreach Efforts:

Given the substantial resources that will be invested in the CPUC's efforts to conduct consumer education to Californians, it would provide significant benefit to the Commission to support CBO efforts to deliver culturally responsive consumer education, as well as resolve and collect data on consumer telecom complaints. This would improve the effectiveness of the initiative and provide for consistent information from, and participation by stakeholders in the implementation of future program enhancements. CTR also requests that the Consumer Education Campaign be funded and structured in a way that allows CBOs to create materials, distribute materials, track trends for the CPUC and provide complaint resolution.

It should be noted that CTR disagrees with the CPI's rationale that increased consumer education offers a "quicker and more robust way to protect consumers than the adoption of regulatory rules"(D.06-03-013 at 118). Regulatory rules by a government entity are the most effective way to protect consumers in a complex and fast-moving telecommunications industry in which many different business models are employed for the sole purpose of generating a profit. CTR does not believe consumer education should be substituted for regulations to achieve increased consumer protections and better quality service.

Additionally, it is CTR's contention that unless the priority issue of complaint resolution is addressed, consumer education is useless in resolving disconnection of service, late fees and penalties and collection actions. Relying on consumer education to eliminate or reduce billing and service complaints places the responsibility for contract compliance solely on the consumer. To properly address the problems faced by Limited-English Proficient (LEP) consumers, issues and complaints related to billing, contracts, and service concerns must be resolved in a swift and uniform manner by all telecom companies. This process must include accurate tracking and reporting of complaints and their resolution, as well as fair, honest and appropriate responses to consumer issues.

CTR Recommends the Implementation of Certain Protocols and Oversights to Monitor the Effectiveness of the CPIs Consumer Education Campaign:

To date, the CPIs telecom consumer education program has encountered several programmatic and planning oversights, including translation and reproduction of incorrect

consumer education materials into Chinese; and the failure to submit certain brochures to a pilot test for effectiveness in LEP communities (consumer friendly, culturally appropriate and for comprehension levels). These types of oversights and omissions only serve to dilute the effectiveness of a program already weakened by the lack of regulations and an unwillingness to hold those in power accountable.

Additionally, the Commission acknowledges that after the first effort of the CPI, implementing and designing a linguistically and culturally sensitive outreach and education effort were time and resource intensive. It is for that reason that CTR recommends the use of grassroots outreach to reach LEP and disabled consumers without access to the internet. For clarification purposes, for CTR purposes "grassroots" does not equate with to "a mass media campaign." Generally, a mass media campaign is the epitome of mainstream advocacy, often not easily adaptable to grassroots efforts. Grassroots outreach generally occurs on the local level and by community leaders and groups. If CPUC implements a mass media campaign, to add the grassroots element, it must contract with local CBOs to work with ethnic media (print, radio, tv).

In addition, CTR supports technologies to educate consumers, but cannot fully appreciate the 24,606 "hits" to the CalPhoneInfo website unless a breakdown of how many of the 24,606 "hits" are LEP vs. English speakers. Furthermore, CTR is more concerned whether the "hits" were direct downloads of in-languages brochures vs. perusing the website in English. LEP communities are impacted by a lack of access to technology and are unable to access information on the internet. The Digital Divide is most apparent in low income limited English communities who are also targeted by predatory sales practices and impacted by the lack of contract information in their primary languages. For these reasons, CTR strongly recommends a tracking system be implemented to properly document usage of resources utilized by the CPUC.

Lastly, in order for the education program to be monitored and evaluated as determined in D.06-03-013, reliable data can only be recorded with a proper and new database system which currently has not be implemented in CPUC.

Outreach Strategies: As stated above, the ultimate goal of CTR is to educate and help vulnerable, low-income, and limited-English speaking customers make informed choices and learn how to resolve simple problems. CTR has had the benefit of over three years' experience

with LEP consumers, specifically with regard to telecommunications. Below are some specifics about the CTR project and it's outreach efforts for the Commission's consideration.

Project Fact Sheets: From our experiences we have found that one-to-two page fact sheets are the most effective and easy-to-use materials. Fact sheets are printed and distributed by the CBOs. The one-to-two page fact sheets, available in eleven languages are PDF files easily downloaded from the Internet. In this manner, the materials could be updated as needed by the owners and the integrity of the information would be protected. CBOs are provided funds to print out the materials.

Project Brochure: A double sided 11 x 14 brochure was also created for distribution by the CBOs. The information represented on the brochure are short summaries of some of the issues covered by CTR CBOs. A blank space is also left on the brochure for the CBOs to put their individual contact information. The brochure is also translated into 11 languages (including English).

Presentations, workshops and meetings: CBOs organize small or large workshops, meetings, and present information to interested community members. The goal of these events is to empower consumers to be smart, educated shoppers, and to let them know where they can ask questions and resolve problems on their own. In some instances the meetings turn into bill clinics where consumers are assisted in reading their bills, counseled on resolving some of the problems or asked to come back at a later date with required documentation.

Community events, distribution of materials: CBOs distribute flyers, brochures or facts sheets at various events such as: health fairs, annual events, meetings, celebrations, school events, etc. Material is also placed in businesses people frequent (laundromats, schools, other CBOs, etc)

Media Campaign: CBOs received media training. A coordinated one-year media campaign was launched to provide assistance to the CBOs. A press packet was developed, the ethnic media was contacted and templates were created for CBOs to use in their media work. Much of the media work was coordinated by a project media campaign coordinator.

CTR Website⁴: LIF designed and created a comprehensive Consumer Education web site that is updated on a regular basis to act as a clearinghouse of information for this project. This web site serves to increase the effectiveness of delivering continuous updates on consumer issues, collecting complaints, and providing referrals and feedback for use by lead agencies, CBO grantees and the California Consumer Protection Foundation. In addition, the web site was designed to serve as a meeting place and ongoing training resource for CBOs. Grantees are able to download outreach materials, find useful links, access an electronic intake and complaint form and interact with each other, TCPF and lead agencies through a bulletin board and list serve.

Conclusion:

CTR makes a number of recommendations to ensure an effective consumer education program, especially in terms of reaching LEP consumers. Specifically, CTR recommends that funding of CBOs is the most effective manner of outreaching to hard to reach consumers. CTR's successful outreach strategies also provide an effective framework on which to base the CPI continuing consumer education. Finally, CTR recommends that the CPI Consumer Education Program should not just provide consumers with information; it should help them take control of their relationship with carriers. Where consumers have suffered abuse, the consumer education program should be the first step in the CPUC's complaint resolution process.

⁴ website address: www.telecomrights.net

III. CTR's THIRD KEY RECOMMENDATION: *CTR recommends that the Commission immediately begin logging, investigating, monitoring and tracking complaints it receives.*

After nearly three years of working with LEP consumers and telecom carriers, CTR has identified the topic of complaint resolution as a key point that should be addressed by the Commission. LEP consumers account for one of the fastest growing groups in California while also being targeted by the sophisticated business practices of carriers. LEP consumers face issues of misunderstanding and fraudulent business practices by telecom carriers. For these reasons, LEP consumers need protection similar to protection afforded to elderly and disabled consumers. It is important for CPUC to implement a working and efficient process to address complaints by LEP consumers. LEP consumers have language and cultural barriers that prevent them from fully exercising their consumer rights, yet they are paying consumers.

CTR has found that due to an inefficient complaint resolution process, LEP consumers are not properly served by either the Commission or by telecom carriers. To date, the Commission seems to be measuring success by its ability to create and enforce rules that address customer satisfaction and profitability for telecom carriers rather than focusing on complaint resolution. CTR suggests that the Commission immediately look into making more efficient complaint resolution, its on-line complaint resolution process, and implementing a uniform regulation of telecom carriers in the complaint resolution process.

Because of the unreasonable delay in CPUC attending to the complaints filed, CTR has not been able to understand the complaint resolution process at the CPUC. CTR requests a step-by-step explanation of CPUC complaint resolution process. In doing so, CTR hopes the Commission will account for the 30,000 backlogged complaints filed. Moreover, CTR hopes for the actual resolution of the cases as well as immediate action to address what caused the backlog.

CTR is concerned about conflicting information. Whereas most recent verbal information implied that there are currently no cases in backlog, CTR had reports that in fact the CPUC was backlogged by 30,000 cases. For those reasons, CTR would like the Commission to provide a clear answer as to whether there are backlogged cases. CTR would like a clear answer on whether all complaints have been resolved, an explanation on how they were resolved in a short period of time, and why CTR CBOs were not apprised of the resolutions on cases we filed.

The Commission's on-line complaint process does not serve the LEP community because LEP consumers face the following disadvantages: less access to computers, language barriers that prevent them from utilizing websites in English, lesser likelihood to provide personal information through the website due to cultural beliefs and taboos. Additionally, LEP consumers are more fearful of providing personal information to a government entity. They do not have the language capacity to deal with situations involving harassment by unscrupulous third parties and telemarketers.

The Commission should oblige carriers to establish and practice a standardized complaint resolution process. The lack of uniformity is confusing to CTR and LEP consumers on what the correct process to go through with both the Commission and with individual carriers. To achieve this end, CTR makes recommendations that we hope the Commission adopts:

The Commission should clearly define the difference between complaints and inquiries:

CTR and consumers suffer service disruptions when there's a misunderstanding of whether a problem is a mere inquiry that does not get logged in by the Commission and carriers or one that qualifies as a complaint which warrants follow up. For that reason, CTR asks the Commission to define the difference between telecom complaints and simple inquiries made with either the Commission or with carriers.

The Commission should establish clear time frames for both Commission staff as well as carrier employees in responding to complaints:

Consumers experience inconsistent time frames for response from customer service. This problem is not only stressful for a consumer, but often times the lack of responsiveness leads LEP consumers to suffer disconnections and negative credit reporting. For that reason, CTR asks that the Commission enact clear time-frames for both Commission staff as well as carrier employees to work within in resolving complaints.

The Commission should establish a tracking system, both internally as well as with carriers, whereby a consumer can follow up on complaints filed:

CTR urges the Commission to create a rule where both carriers and the Commission would issue case/confirmation numbers for each inquiry made and complaint filed. Without a consistent tracking system to follow up with a complaint, customers and carriers suffer from reiterating and re-inventing the wheel over the same complaint to various representatives.

The Commission should mandate that carriers maintain a log of consumer inquiries and complaints:

CTR urges the Commission to enforce requirements that carriers log inquiries and complaints in a uniform manner throughout the telecom industry. This may entail requiring the same follow up person at telecom companies to consistently work with consumers or advocates to resolve an inquiry or complaint. Additionally, CTR would like to be informed on what processes are in place enforcing the required information tracking by carriers². Additionally, CTR would like clear guidance on the consequences for an inefficient or lazy representative, both from the Commission and carrier points of view.

The Commission should enact uniform rules of required carrier disclosures to their customers:

CTR urges the Commission to enact uniform rule(s) on what carriers must disclose to their customers: such as under what circumstances will the service be disconnected when a consumer is dealing with a telecom complaint. It is CTR's contention that disconnecting a consumer is dangerous because, without communication with society, family, work, financial matters and health may be jeopardized. Additionally, CTR advocates that current telecommunication methods are not simply a luxury, but a necessity to many LEP consumers. A clear understanding of how and when service will be disconnected will impact LEP consumers' lifestyles.

The Commission should continue to facilitate carrier and CTR dialogues:

CTR urges the Commission to continue to facilitate the work carriers and CTR CBOs have undergone on telecom cases by providing funding to CTR CBOs. LEP consumers rarely

² As required by General Order 133-B.

contact the CPUC or carriers directly to resolve a telecom problem. CBOs are the first place LEP consumers turn to for information and assistance. CBOs need to be involved in working with LEP consumers for a variety of important reasons. The benefit of LEP consumers working with CBOs is that through the complaint resolution process, consumers are introduced to CPUC and the carrier's complaint resolution process. CPUC should work closely with CTR CBOs because they already have the telecom experience and trust from LEP consumers. CPUC will receive data and information on LEP consumer trends and problems that it would normally not be able to obtain other than from CTR CBOs.

Conclusion:

CTR's recommendations regarding the CPUC's complaint resolution process would result in more efficient resolution of complaints. CTR's use of CBOs to facilitate the resolution of consumers' complaints has proven to be effective, and should be fostered by the CPUC. CTR also makes recommendations to improve the CPUC's, and carriers' tracking of complaints. These recommendations have a number of benefits. For carriers, better tracking of complaints will result in more efficient complaint resolution, with less time spent reiterating the problem. For the CPUC, a successful complaint tracking system would provide insight into problems that consumers are facing. The tracking system would provide a searchable database that would provide a useful tool to spotting trends and developing solutions.

**CTR's RESPONSES AND COMMENTS ON THE COMMISSIONS AUGUST 21, 2006
DRAFT REPORT ON LANGUAGE ISSUES FOR CALIFORNIA
TELECOMMUNICATIONS CONSUMERS**

**CTR's RESPONSES TO SECTION II OF THE COMMISSIONS AUGUST 21, 2006
DRAFT REPORT:**

CTR's Responses to the Commissions Assessment of the Linguistic Landscape of California:

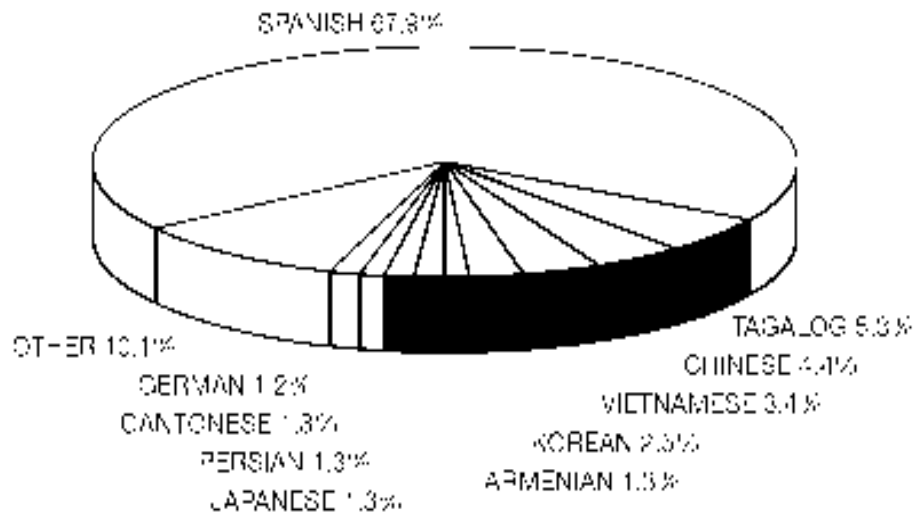
Although CTR agrees that "California has become the most ethnically, racially, and linguistically diverse state in the nation" (CPUC Staff Draft, August 21, 2006), it does not agree that "California is uniquely a state in which no ethnic group constitutes a majority." Latinos are clearly the ethnic majority as noted in the 2000 Census of Population and Housing, the Department of Education, Department of Health and Safety and many projected reports. However, research and statistics do support the CPUC's findings that by "2025 California will be home to 50 million residents with Hispanics (*Latinos*) representing the largest single ethnic group." Additionally, the Asian Pacific Islander ethnicities represent the most rapidly growing populations and are more linguistically isolated than Latinos.

Asians are now the second largest major racial or ethnic group in four counties and constitute the majority of the population in eight cities across the state. From 1990 to 2000, the Asian population grew as much as 52%, followed by Latinos, who grew 43%. This is compared to the state's total population growth of 14%. From 2000 to 2003, Asians had the fastest growth rate among all major ethnic groups in the Bay Area (9%) and Pacific Islanders had the fastest growth rate in the Central and Southern California (14%) regions. The LEP needs of these communities are long overdue.

The Asian and Pacific Islander population in California is large and growing. Its population is projected to more than double from 4 to 9 million people between 2000 and 2025. As this growth continues in the years to come, the needs of this diverse community will also require greater attention.

*** Most Spoken Languages in California**

In California, 60.52% of those that are 5 years or older speak English; Languages other than English are spoken by 39.47%. Speakers of languages other than English are divided up as follows (Modern Language Association, 2004):



CTR Victim Demographics by Language: Three Major Languages.

The major languages served by CTR from 2003 through August 30, 2006 are represented below and show the Hmong numbers served in relation to the other major languages served. Hmong is shown as second highest language served with Spanish as the leading language served.

CTR Victim Demographics by Language

Language	Count	Percentage
Bengali	26	0.256%
Cambodian Khmer	320	3.153%
Cantonese	1543	15.203%

English	922	9.085%
Gujurati	9	0.089%
Hindi	20	0.197%
Hmong	1721	16.957%
Japanese	8	0.079%
Korean	747	7.360%
Laotion	124	1.222%
Mandarin	83	0.818%
Mien	171	1.685%
Nepali	5	0.049%
Other (use box on right)	198	1.951%
Please Select	26	0.256%
Punjabi	5	0.049%
Russian	165	1.626%
Somali	14	0.138%
Spanish	3025	29.806%
Tagalog	359	3.537%
Tamil	1	0.010%
Thai	91	0.897%
Urdu	12	0.118%
Vietnamese	554	5.459%
Total:	10149	100%

Primary Languages Spoken at Home

The CPUC Draft report correctly notes the important factors in determining the need for access in languages other than English. However, CTR would like to reiterate that “About four out of five people who are Asian, Latino, or other ethnic group in California speak non-English languages at home. (Reference: U.S. Census Bureau, American FactFinder definition, see website: <http://factfinder.census.gov>.)

CTR Victim Demographics by English Proficiency Analysis:

CTR has assessed proficiency levels and has classified LEP consumers by the following four categories: none, poor, fair, good. CTR has found that if a consumers English proficiency is classified as either “poor” or “none,” that consumers will not have verbal comprehension of what is being said or the linguistic skills to respond appropriately. Consumers with poor or no English proficiency cannot even understand which prompt to push for the desired language on automated company because the prompt is in English. It is CTR’s contention that this lack of consumer comprehension results in failure to follow procedures needed to remedy phone problems or to fill out paperwork (i.e. ULTS, wireless contracts).

LEP consumers with “Fair” English proficiency also exhibit problems in telecom because gaps in the understanding that arises between written and oral communications.

Cultural experiences (fear, degree to which culture is taught to be submissive to authority, the shame of owing a debt whether it is invalid or not) and other factors prove that a clear and concise “one-plan fits all” approach cannot work. Radio and TV public service announcements will not result in calls to government agencies or large companies without the earned trusted assistance of the CBOs.

The following charts represent the CTR languages served and the English language proficiency: **CTR Languages Served and Language Proficiency Levels Based on the Most Prevalent CTR Languages:*

Language Proficiency

Language	Not Selected	FAIR	GOOD	POOR	NONE	TOTALS
Hmong	156	228	90	730	529	1733
Percent	9%	13%	5%	42%	31%	100%
Cantonese	79	47	5	798	624	1553
Percent	5%	3%	0%	46%	36%	90%
Spanish	144	399	190	1245	1067	3045
Percent	8%	23%	11%	72%	62%	176%
Tagalog	1	182	116	60	2	361
Percent	0%	11%	7%	3%	0%	21%
Vietnamese	6	69	22	430	30	557
Percent	0%	4%	1%	25%	2%	32%
Russian	6	48	7	91	13	165

Percent	0%	3%	0%	5%	1%	10%
Korean	12	84	11	529	114	750
Percent	1%	5%	1%	31%	7%	43%
Cambodian	18	30	25	197	66	336
Percent	1%	2%	1%	11%	4%	19%
Hindi	0	12	3	2	4	21
Percent	0%	1%	0%	0%	0%	1%
Mien	47	16	4	92	12	171
Percent	3%	1%	0%	5%	1%	10%

TOTALS	469	1115	473	4174	2461	8692
	5%	13%	5%	48%	28%	100%

CTR's Responses to the Commissions Citation of Best Practices in CA State Government Agencies:

Department of Motor Vehicles:

CTR applauds the extent to which the DMV provides printed materials in 33 languages. Another notable practice that CTR believes could be wisely implemented at the CPUC, is having bilingual staff identify the languages they are capable in as well as prominently listing them on the CPUC's website with notations of their language capacities and contact information. These multi-lingual staff should also be available via listings to all major CBOs providing services in CPUC regulatory jurisdiction areas. It is CTR's understanding that it will take the Commission approximately two years to complete the hiring process, train in CPUC procedures and fully train new staff in telecom; again, CTR urges the Commission to implement safeguards that will protect LEP consumers.

Employment Development Department:

CTR suggests the CPUC closely work with the EDD's process to identify which documents should be translated into languages other than English (LOTE's); as noted earlier in the CPUC's draft report, migratory patterns and LEP communities change, it is important for the CPUC to work closely with mechanisms of identifying these changes and trends.

Franchise Tax Board (FTB):

CTR would like to point out to the CPUC that the confidentiality issues that exist in FTB procedures are not comparable to those that exist in the telecom industry. Although many carriers require Social Security Numbers for account activation, account numbers and access codes can be customer generated and different from SSNs.

It is CTR's contention that all in-language services the CPUC undertakes provide exactly the same quality of service as its English counterpart. For that reason, continuous quality control mechanisms that will verify that information disseminated and customer services be identical to those in English.

California Department of Education:

A notable distinction in the CDE's approach to language access is in providing materials in language of comprehension and not necessarily language of fluency. CTR takes comprehension to incorporate literacy differences as well as spoken capabilities. The CPUC should approach language access materials with language comprehension assessments and be sure that any printed material be the correct literacy level for the corresponding population's language comprehension level.

UC Davis Medical Interpreting and Translating Center

CTR supports language services that attempt to convey specialized terminology, such as telecommunications vernacular, in colloquialisms and idioms (at pg.23 of Draft Report). The UC Davis Center for Interpreting and Translating should be viewed as a valuable model by the Commission.

CTR's Response to Other Government Requirements:

CTR strongly urges the Commission to hire an outside consultant, specializing in financial analysis to help the Commission determine the cost of providing language-assistance. Neither CTR, nor most carriers should be required to provide this information as the functions and purposes of our finances are so intrinsically different. Lastly, CTR agrees with the Consumer Federation of California's assertions that other areas of California civil law should be analyzed. The intent of those laws were to provide LEP consumers the same protections afforded English

fluent consumers. That spirit should guide the Commissions efforts at in-language access to LEP consumers.

**CTR's RESPONSES TO SECTION III OF THE COMMISSIONS AUGUST 21,
2006 DRAFT REPORT:**

CTR's Responses to the Commissions Assessment of In-language Activities of the CPUC Related to Telecommunications Service: CPUC Bilingual Services Office:

In identifying which languages exceed a 5% threshold and ensuring CPUC staff to speak those languages, it is important to understand the process used to identify these languages (Spanish and Tagalog). Various factors may have influenced why these two languages met the threshold: proper outreach, better or more accurate outreach materials produced in these languages, better translators in these languages that encouraged speakers to use the hotline system.

The Commission should consider that other languages not identified in meeting the 5% threshold may have been a result of other speakers not knowing how to contact or use the CPUC hotline number.

CTR's Responses to the Commissions Assessment of Language Access to Commission Services:

CPUC identified its greatest challenge as keeping pace with the needs of the public in order to provide useful, clear and accurate information. In addressing this need, CTR advocates for a new CPUC database system that can track telecom issues/problems from consumers and CBOs. CTR believes that data from consumers is the most accurate information on trends and needs of consumers. CTR requests CPUC to make the CAB database the top priority. CTR is most concerned with the CPUC's ability to track the number of complaints, languages of the complaints, monetary amount in question, and the content of the complaint.

CTR's Responses to the Commissions Assessment of CPUC enforcement efforts related to language:

CTR is concerned that these offices are backlogged with their own investigations and litigation and this protocol may not result in prosecutions. CTR prefers that the Enforcement

Branch conduct all of its prosecution to the full extent of its authority and not rely on the Attorney General's office to do so.

CTR's RESPONSES TO SECTION IV OF THE COMMISSIONS AUGUST 21, 2006

DRAFT REPORT:

CTR's Responses to Carriers' Multilingual Practices Cited in the Draft Report:

The fact that only 100 out of 1300 telecommunications companies responded to the Multilingual Practices Survey out of all certified telecommunications service providers in California, is an obvious indication that CPUC cannot rely on the notion of "voluntary code of conduct" by carriers to address telecom issues, problems or complaint resolution.

CTR's Responses to CUDC's Survey of Company Language Practices Cited in the Draft Report:

CTR does not understand how most companies regularly monitor customer service telephone calls for quality assurance. CTR data continues to show rude customer service to be a major problem for LEP.

Cultural and diversity awareness training may not resolve rude customer service. Quality customer service practices and reporting practices must be established and heavily enforced independent of cultural/diversity awareness training.

CTR's Responses to CPUC Requirements for In-Language Outreach and Education:

CLEC and ILEG must be applied and enforced at the local community "kiosk" operator level. Ethnic kiosk operators/business owners/vendors must follow the in-language requirements if they market and sell to LEP communities. Kiosk vendors may speak the language of the LEP community but many have failed to conduct fair business practices by not providing accurate telecom information, quality products, and written materials to LEP customers. CTR has provided suggested regulations within this written response on how to better serve and protect LEP customers.

CTR's Responses to Carrier-Initiated Marketing, Education and Customer Service Efforts:

CTR's independent carrier surveys have discovered that large telecom carriers such as

Verizon, did not have customer service in Asian languages, despite the fact they market to Asian consumers. CTR has always maintained that many carriers, despite marketing in-language, do not provide services in-language. CTR would like to reiterate that if a carrier is to continue providing marketing in-language; it should be required to disclose key terms and conditions in language as well.

CTR's Responses to Carrier Quality Control and Oversight of Bilingual Activities:

CTR strongly recommends the Commission to adopt regulations over third party dealers or agents. These resellers/kiosk vendors were strategically developed to attract LEP customers. Kiosk resellers are the main source for "point of sale" activities for carriers in LEP communities. Sales transactions with ethnic resellers generates high rate of abuse, fraud and poor customer service by LEP consumers according to the CTR database.

**CTR's RESPONSES TO SECTION V OF THE COMMISSIONS AUGUST 21, 2006
DRAFT REPORT:**

CTR's Responses to Challenges and Needs of LEP Telecommunications Consumers:

CTR agrees that there is a need for more in-language information and services. However, more expeditious CPUC enforcement of fraudulent activities. CTR has and will continue to demand for better oversight by carriers over dealers, agents or resellers that market products and services to LEP consumers.

CTR's Responses to the Commissions Assessment of Information Needs:

CTR continues to assert that key terms and conditions be provided to consumers in languages other than English (LOTEs) in which the company markets or conducts sales. As such CTR has chosen to highlight this proposal as a key suggestion to the CPUC. CTR is submitting additional documentation showing the feasibility and practicality of such a requirement.

CTR's Responses to the Commissions Assessment of the special needs of LEP consumers with regards to printed materials:

CTR reiterates the need to address the cultural backgrounds of the target populations; and requires that prior to the development of any additional written materials, or airing any more public service announcements, the CPUC pilot test in-language materials and brochures for cultural and linguistic accuracy of the target population.

CTR is not convinced that in cases of low literacy rates alternative methods like radio and television PSA communications would be more effective than utilizing CBOs. The cultural and educational levels of the Hmong, for instance, demonstrate why brochures and PSAs do not fit the needs of all LEP consumers – specifically those with low English and in-language literacy.

According to Dr. Ho Luong Tran (President and CEO of the Asian and Pacific Islander American Forum), in 2001 almost 200,000 Hmong refugees resettled in the United States – concentrating in Minnesota, Wisconsin, California and North Carolina. The Hmong are a minority ethnic group of Laos, Thailand, Vietnam, and southern China. Hmong is an oral language. Hmong is the common name for a group of dialects of the West Hmongic branch of the Hmong-Mien/ Miao-Yao language family spoken by the Hmong people in many areas of south east Asia. It is estimated that there are approximately 4 million Hmong speakers world wide, with 170,000 Hmong Americans. For centuries, the Hmong language was based strictly on oral communication. There was no alphabet, no written texts and no cultural reason to require literacy. In 2004-2005, California schools housed approximately 36,000 K-12 students. Of that number, 85% were classified as LEP students and 15% were classified as FEP or Fluent English proficient. (Hmong Studies Journal 2004-05, Volume 5, 31 Pages).

Due to documented educational levels, cultural experiences, family structures, and linguistic challenges, brochures would not be useful tools for this population. In addition, because of this population's migratory history and status as refugees, it would be highly unlikely that they would seek the aid of large companies or state agencies or even trust messages on their behalf. It is CTR's contention that the only effective means of meeting the telecom needs of this population and other populations like them is to utilize the trained Community Based Organizations, which work and live in the communities they serve.

CTR's Responses to the Commissions Assessment of Customer Service Needs:

CTR continues to assert that improved customer service systems be made accessible to LEP consumers.

CTR would now like to highlight some additional Customer Service needs:

CTR would like to note that LEP consumers are clearly more targeted victims based on CTR data due to different planned marketing tactics, to misrepresentations in printed ads and because in-language marketers understand the weaknesses, shames and fears of the cultures.

**CTR's RESPONSES TO SECTION VI OF THE COMMISSIONS AUGUST 21, 2006
DRAFT REPORT:****CTR's Reponses to Options for Consideration by the Commission:**

The report incorrectly assumes that LIF and ALC intended to deter formal proceedings on this matter by requesting extended time for further study. Furthermore, because no time-line was specified in the reports suggestion to conduct further studies, an unreasonable amount of time may elapse causing inaction which will ultimately harm consumers. Additionally, CTR does not agree that the Commission should pursue voluntary actions from carriers. Rather, CTR has always demanded increased regulations and enforceable accountability. It is CTR's contention (based on intake data, CBO feedback, FCC and FTC consumer alerts and due to diminished company choices to get services at reasonable prices), that carriers have little or no incentives to facilitate resolutions to benefit LEP consumers. CTR therefore takes the position that it would be wasteful for the Commission to pursue this avenue further.

CTR's Reponses to Options for Improving Education:

CTR strongly agrees that the Commission should determine and investigate actual costs and benefits of providing in language materials to LEP consumers. CTR suggests that the Commission use outside professional consultants such as Leo Estrada from UCLA, Manuel Pastor from the Center for Justice and Tolerance or other experienced demographers.

Additionally, CTR feels that carriers are overcomplicating repeated advocates' requests for in-language materials by insisting that they must include staff and technology that support

these services (at 67) if they are to provide in language disclosures. CTR agrees with the report's assessments that larger carriers already have the tools in place to transition to this additional service. Smaller carriers should also be required to offer creative solutions to providing this much needed service.

CTR feels the report is erroneously putting the burden on the consumer by suggesting that consumers learn how to ask the right questions at the point of sale and how to inquire about in-language services before entering into a contract. It is naïve of the Commission to believe understanding alone will eradicate LEP consumers' problems. Because of fraud, purposeful targeting, and misleading statements, CTR contends much more than educating consumers needs to occur. CTR believes that consumer education does not stop "bad players".

CTR agrees that the CPUC should tailor its materials for the differing literacy and cultural needs of the LEP communities. Additionally, CTR applauds the report's recommendation that the CPUC utilize more local and regional grass-roots organizations in order to improve methods of distribution in order to reach the most vulnerable linguistically isolated households.

Lastly, CTR hopes that the Commission continues to fully support all LEP programs adequate internal resources, support and quick implementation.

CTR's Responses to Options for Improving Customer Service:

CTR recommends that the best manner of improving both CPUC and carrier customer service is to hire additional qualified staff and not to hire outside companies to provide this service. Aside from standard qualifications, in-house bilingual staff should be culturally knowledgeable. CTR also agrees strongly that mechanisms to formally and systematically conduct continuous quality control should be utilized, but suggests that any quality control protocols be made available for public review. CTR believes any new in-language staff would benefit greatly from working together with CBOs. Because many consumers that CTR represents would not call a state agency without the intervention or assistance from a trusted CBO within the community, it is important for any new in-language staff to understand that perspective.

CTR also applauds the suggestion that continued cooperation and communication occur between CBOs, telecom providers, and the CPUC in order to create more formalistic relationships where information can be exchanged more easily.

CTR's Responses to the Commissions Assessment of the need for further research on improving enforcement:

CTR strongly agrees that immediate action needs to occur between CBOs and CPUC enforcement branch personnel by providing a contact person for CBOs in order to address clear cases of fraud and other egregious abuses.

Dated: September 14, 2006

Respectfully Submitted,

The COMMUNITIES FOR TELECOM RIGHTS

By: In Alphabetical Order

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**On Behalf of the Community Based
Organizations which Comprise CTR**